

REMARKS

Upon entry of the above amendments this application will contain claims 1-5, 8, 9, 12, 14-16, 18, 20, 22, and 26 pending and under consideration. It is believed that this application is now in condition for allowance. Consideration leading to the allowance of all pending claims is requested.

I. Restriction Requirement

In the Official Communication dated 1 December 2008, restriction to one of the following independent and distinct groups of invention was required:

Group I	claims 1-6, 8, 9, and 11-22,	drawn to compounds, compositions and methods of use of formula 1 where p is 1 and the two R ² groups do not combine to form an optionally substituted 5-7 membered carbocyclic or heterocyclic ring;
Group II	claims 1-6, 8-11, and 13-22,	drawn to compounds, compositions and methods of use of formula 1 where p is 1 and the two R ⁵ groups combine to form an optionally substituted 5-7 membered carbocyclic or heterocyclic ring;
Group III	claims 1-5, 7-9 and 11-22,	drawn to compounds, compositions and methods of use of formula 1 where p is 2 and the two R ² groups do not combine to form an optionally substituted 5-7 membered carbocyclic or heterocyclic ring;
Group IV	claims 1-5, 7-11 and 13-22,	drawn to compounds, compositions and methods of use of formula 1 where p is 1 and the two R ⁵ groups combine to form an optionally substituted 5-7 membered carbocyclic or heterocyclic ring.

In response the Applicants elect for substantive examination Group I, claims 1-5, 8, 9, 12, 14-16, 18, 20, 22, and 26 without traverse.

In addition, selection of a single species within the elected group is required. The applicants select for initial examination the species of example 109. Claims 1 and 2 read on the elected species.

II. Claim Amendments

Claims 1 and 8 have been amended (the “p” and “R²” variables) to correspond with the applicants’ election of the Group I invention.

In addition, the claims have been amended to more closely mirror the exemplified

compounds and reflect what the applicants claim as their invention. In particular, claim 1 has been amended by deleting the variables "p and m" and R^2 and R^3 . Similarly the original variable R^4 has been amended to be NR^9R^{10} . Consequently, the formula illustrated in the claim has been modified to reflect these amendments. It is believed that the original claims and the numerous examples support these amendments.

In addition, many of the other variables for R^1 and R^{5-12} have been amended, again, to reflect what the applicants claim as their invention. Dependent claims 2-5, 8, and 9 have been similarly amended to correspond to the amended claim 1. In addition, claims 2 and 3 have been amended by incorporating some of the optional substituents for the cycloalkyl, aryl and heterocyclic groups found in original claim 1. It is believed that these amendments do not add any new matter.

Claims 14-16, and 20 have been amended to refer to the compound of claim 1 rather than Formula I. Further, the terms enantiomer, racemate, diastereomer, or mixture of diastereomers have been deleted. It is believed that these amendments do not add new matter, but rather conform the claims to the amendments of claim 1.

III. Conclusion

The Applicants request timely examination of the elected invention. The Examiner is invited to contact the undersigned attorney by telephone if there are any questions about this Submission or other issues that may be resolved in that fashion.

Respectfully submitted,

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